HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2190 OF 2005.

Prem Narpatchand Bhandari & Anr. ...Applicant.

V/s.

Union of India & anr. ...Respondents.

Shri S.N.Kantawala with Uday P. Warunjikar, advocate for applicant.

Shri D.N.Salvi, for Respondent No.1.

Shri A.S.Gadkari, APP for respondent No.2.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 8, 2005

P.C. :-

1. This application is moved to relax or modify the condition imposed by the Session Judge, Raigad-Alibag in order dated 20th August, 2004 to the extent, to surrender of passport to the Custom Authority and further to grant permission to the applicants to travel to China for attending Canton Fair to be held at Canton China on appropriate condition.

2. This application is resisted by the department. According to the department, it is apprehended that if the applicants visit china, there is all possibility

that they may enter into any other venture and may import goods from the said destination.

3. This apprehension can be taken care of by imposing condition on the applicants that, even if they travel to China for attending Canton Fair, they shall not transact any business during their visit and in any case, shall not import any goods while arriving from any destination from China. The applicants are willing to abide by these conditions, as per the assurance given by them through their counsel.

4. Accordingly, this application is disposed of with the following directions.

(i) The passport be handed over to the respective applicants on applicants' giving undertaking by filing affidavit of undertaking before this court on the above terms and also further undertaking that they shall report to the Investigating Officer on their return from China on or before 10th May, 2005 and surrender the passport to the Investigating Officer.

(ii) The applicant shall also disclose about their proposed travel plans and probable places

of stay and contact telephone numbers during the stay in China in the Affidavit of undertaking to be filed by them.

(iii) The application is allowed on the understanding that the applicant is going to visit China only to attend Canton Fair and for no other purpose.

5. Shri Salvi, advocate for the department submits that in fact, it is in the interest of the applicant to co-operate for early disposal of the adjudication proceedings. According to the applicants, they are willing to abide by any terms, that may be reasonable for early disposal of the adjudication proceedings. That assurance is accepted. In view of this assurance, the concerned officer may nominate the dates on which, he proposes to take adjudication proceedings, so as to conclude the adjudication proceedings as early as possible.

. All concerned to act on the authenticated copy of the order issued by this Registry.